

# THE INDEPENDENT.

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## THE INDEPENDENT

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At "Brito Hall," Konia Street.

### SUBSCRIPTION RATES:

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EDMUND NORRIE, - - Editor.  
G. C. KENYON, - - Manager.

Residing in Honolulu.

### ACT 6.

An Act to Incorporate the Honolulu Electric Railway Company.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. James Dunsmuir, John H. Turner, Thomas B. Hall, Frank W. McCrady, Robert Menaugh, Clinton Graham Ballentyne, all of the City of Victoria, in the Province of British Columbia; William N. Armstrong and James B. Castle of the City of Honolulu, in the Hawaiian Islands, and any other persons who may hereafter become associated with them, are hereby constituted a Body Corporate, under the name of the "Honolulu Electric Railway Company, Limited."

SECTION 2. The head office of the Company shall be in the city of Honolulu.

SECTION 3. The capital stock of the Company shall be Five Hundred Thousand Dollars, (of which twenty per cent, shall be non-assessable), and shall be issued in such manner as the directors may determine.

The liability of any of the shareholders of assessable stock shall be limited to the unpaid portion, if any, of his or her shares in the capital stock of the Company. The non-assessable stock may be issued by the directors for the compensation and profit of the undertakers and promoters of the objects for which the Company is formed, and no stock in excess of the amount of the capital stock shall be issued without the consent of the executive council of the Republic of Hawaii, upon good reason shown therefor, and with the approval of a majority in value, of the shareholders. The stock may be issued as above provided, with a preferential or qualified right to dividends.

SECTION 4. The stock shall be deemed personal estate and shall be transferable in such way as the directors shall by by-law direct.

SECTION 5. The persons above mentioned shall be the provisional directors, and shall hold office, as such, until other directors are appointed under the provisions of this charter, by the shareholders, and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books, and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and they are invested with all the powers as under this charter are vested in ordinary directors.

SECTION 6. As soon as one hundred thousand dollars of the capital stock shall have been subscribed, the shareholders shall proceed to the election of a Board of Directors

for the said Company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving six weeks notice thereof, by publication, to the shareholders.

SECTION 7. The Board of Directors, of whom a majority shall be residents of the Hawaiian Islands, shall be elected at the meeting to be called, as provided for in the preceding section, each of whom shall be a holder of not less than ten shares, such election, and every question to be decided at such election; shall be decided by a majority of the votes of stockholders present in person, or represented by written proxy, each share to have one vote. The directors so chosen, shall immediately elect one of their own number to be president, and one to be vice-president; which president and directors shall continue in office one year, and until such others shall be chosen to fill their places; and if any vacancy shall at any time happen by death, resignation, or otherwise, during the said year in the office of president, vice-president or directors, the remaining directors shall elect some qualified person to fill such vacancy for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors or such other day as may be fixed by by-laws as hereinafter provided.

SECTION 8. If the election of directors be not made on the day appointed, the Company shall not, for that reason, be dissolved, but the shareholders may hold the election on any other day in the manner provided for, by any by-laws passed for that purpose, and all acts of directors, until their successors are appointed, shall be valid and binding on the Company.

SECTION 9. The directors shall exercise all the powers of the Company, except as hereinafter provided, and shall have full power to make all by-laws or resolutions for the management of the Company, the acquirement, management and disposition of its stocks, property and effects, and of its affairs and business, the entering into agreements and contracts, the declaration and payment of dividends out of the profits of the Company, the form and issuing of shares certificates and the transfer of shares, the calling of special and general meetings of the Company, the appointment and remuneration and removal of all officers, agents, clerks, workmen and servants of the Company; the rules to be observed by the officers and servants of the Company, and all other persons using the railways, rails, electric lines, electricity, electrical, or other appliances or property of the Company whatsoever; the remuneration for the transfer and delivery of all or any goods, chattels and effects, transferred and delivered through agency of the said Company, and in general to do all things that may be necessary to carry out the objects and exercise any and all powers incident to the Company.

SECTION 10. The directors may from time to time raise and borrow for the purposes of the Company, such sum or sums of money, upon such terms, and in such manner, as they may deem expedient, and may issue bonds or debentures of the Company, (in lieu of the issue of said assessable stock, or any part thereof) not exceeding the sum of Five Hundred Thousand Dollars, in sums of not less than one hundred dollars each, and on such terms and credit, and at such prices as they may think proper, and may pledge or mortgage all the tolls, incomes, revenues, (after deducting from such tolls and revenues the working expenses), franchises, uncalled capi-

(Concluded on 4th Page)

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